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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **KITAGAWA, Hiroshi, et al.**

Group Art Unit: 1621

Serial No.: 10/574,832

Examiner: **KUMAR, Shailendra**

Filed: **April 6, 2006**

P.T.O. Confirmation No.: 4999

For: **AMIDE-BASED COMPOUND, POLYOLEFIN RESIN COMPOSITION AND MOLDED PRODUCT**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED November 17, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: December 17, 2008

Sir:

This paper is submitted in response to the Official Action dated **November 17, 2008**.

In the Action, restriction was required between Group (I), Claims 1-7, 19 and 22; Group (II), Claims 8-13, 20 and 23; Group (III), Claims 14-18; Group (IV), Claims 21 and 24; Group (V), Claims 25 and 26; and Group (VI), Claims 27.

Applicants hereby elect the subject matter of Group (I), Claims 1-7, 19 and 22 for prosecution in this application. This election is made with traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

In traversing the restriction requirement, it is submitted that claims 16-18 are not drawn to a polyolefin nucleating agent. It would appear that each of these claims is directed to a polyolefin composition which includes a mixture of at least two amide compounds as defined by claim 1 which functions as a nucleating agent. Thus, this is an improper classification.

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As indicated above, claims 16-18 should be grouped together since they are all directed to polyolefin resin compositions. Further, it is submitted that claims 25-26 as being directed to polyolefin resin compositions, should be included in the same group as claims 16-18.


As to claim 23, it is submitted that this claim recites a use of a composition and, as such, this claim should be included with the molded compositions as claim 27.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Preliminary Amendment